

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MICHAEL C. LINKEWITZ,

Plaintiff,

vs.

No. 13-CV-420 WPL/SCY

ROBERT HEATH TRUCKING, INC.,

a Texas Corporation,

DELORES JUNE HITES, a Resident of Texas,

and DEREK ALLEN LEE, a resident of Ohio,

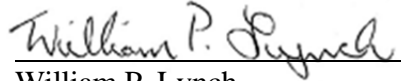
Defendants.

**STIPULATED ORDER FOR DISMISSAL OF CERTAIN CLAIMS WITH PREJUDICE**

THIS MATTER having come before the Court on the parties' Stipulated Motion to Dismiss Certain Claims with Prejudice, by and through their respective counsel of record, and the Court having read said Motion, having reviewed this Stipulated Order presented by the parties for the Court's approval, and otherwise being fully advised, finds that the Motion is well taken and should be granted.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that Plaintiff's claims that Defendant Robert Heath Trucking was negligent in failing to properly train, supervise, and monitor Defendant Hites, and was negligent in entrusting Defendant Hites, and Plaintiff's claims that the maintenance or upkeep of the equipment driven by Defendant Hites caused or contributed to the accident are dismissed with prejudice. Specifically, paragraphs 48, 50, 71, 73, 80, and all their subparts, of Plaintiff's Second Amended Complaint are dismissed with prejudice.

It is additionally ordered that each party shall bear their own attorney fees and costs for the bringing of the Motion to Dismiss.

  
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William P. Lynch  
United States Magistrate Judge

SUBMITTED BY:

CIVEROLO, GRALOW, HILL & CURTIS  
A Professional Association

By: Lance D. Richards, 7/10/2015  
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APPROVED BY:

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